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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THERESE L. LESHER,) Case No. 2:21-cv-00386-WBS-DMC
)
Plaintiff,) ORDER GRANTING PLAINTIFF'S
) REQUEST TO SEAL DOCUMENT
vs.) PURSUANT TO L.R. 141
)
CITY OF ANDERSON, et al.,)
)
Defendants.)
)

Currently before the Court is Plaintiff's Request to Seal her Motion in Limine No. 1.

I. RELEVANT BACKGROUND

Plaintiff's action is brought pursuant to the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff has further invoked the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. § 1367(a), to hear and decide claims arising under state law. Both parties have demanded a jury trial which is set to proceed on July 22, 2025, before the Honorable

1 William B. Shubb.

2 Plaintiff's Motion in Limine No. 1 contains information designated as Protected Material
3 pursuant to the Court's August 3, 2021, protective order (ECF No. 22). Specifically, Plaintiff's
4 Motion in Limine No. 1 contains information from one of the law enforcement officer's
5 personnel file.

6 **II. LEGAL STANDARD**

7 Local Rule 141 governs requests to seal documents. E.D. Cal. L.R. 141. That rule
8 provides that documents may be sealed by order of the court upon the showing required by law.
9 L.R. 141(a). It requires the party making the request to "set forth the statutory or other authority
10 for sealing, the requested duration, the identity, by name or category, of persons to be permitted
11 access to the other documents, and all other relevant information." L.R. 141(b). The "showing
12 required by law" referred to by our Local Rule is a high one. The court operates under a strong
13 presumption in favor of access to court records. *Ctr. For Auto Safety v. Chrysler Group, LLC*,
14 809 F.3d 1092, 1096 (2016). Accordingly, a party seeking to file something under seal must
15 present "compelling reasons" supporting the request. *Id.* The compelling reasons standard
16 requires the court to: (1) find a compelling reason supporting sealing the record; and, (2)
17 articulate the factual basis for sealing the record, without relying on hypothesis or conjecture. *Id.*
18 at 1096-97. The court must conscientiously balance the competing interests of the public and the
19 party who wishes to keep the documents private. *Id.* at 1097. "What constitutes a 'compelling
20 reason' is 'best left to the sound discretion of the trial court.' " *Id.* (quoting *Nixon v. Warner*
21 *Commnc'ns, Inc.*, 435 U.S. 589, 599 (1978)). Pursuant to Federal Rule of Civil Procedure 5.2(d),
22 a court "may order that a filing be made under seal without redaction." *Id.*

23 **III. DISCUSSION**

24 Plaintiff's Request to Seal her Motion in Limine No. 1 asserts that her Motion in Limine
25 No. 1 contains information designated as Protected Material pursuant to the Court's August 3,
26 2021, protective order (ECF No. 22). Specifically, Plaintiff's Motion in Limine No. 1 contains
27 information from one of the law enforcement officer's personnel file.

Pursuant to Penal Code section 832.7(a), "...the personnel records of peace officers and custodial officers and records maintained by a state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code."

The court has reviewed Plaintiff's Motion in Limine No. 1 in camera and finds that the Motion does contain Protected Material pursuant to the Court's August 3, 2021, protective order (ECF No. 22). Further, disclosing the Protected Material to the public would violate Penal Code section 832.7(a). These considerations justify the requested filing of Plaintiff's Motion in Limine No. 1 under seal. Accordingly, Plaintiff's Request to file her Motion in Limine No. 1 under seal is granted.

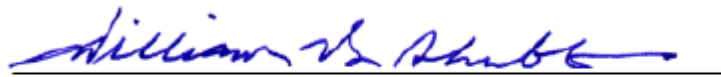
IV. ORDER

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's Request to Seal her Motion in Limine No. 1 is granted;
2. The Clerk is instructed to file Plaintiff's Motion in Limine No. 1 under seal;
3. Plaintiff's Motion in Limine No. 1 shall be maintained under seal until the conclusion of this case and any appellate proceedings, at which time only the Court will have access to them.

IT IS SO ORDERED.

Dated: July 9, 2025


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE